

Craig M. White (*Pro Hac Vice* pending)
Brent R. Austin (SBN 141938 inactive)
Chung-Han Lee (SBN 231950)
WILDMAN, HARROLD, ALLEN & DIXON, LLP
225 West Wacker Drive, Suite 2800
Chicago, Illinois 60606
Telephone: (312) 201-2000
Facsimile: (312) 201-2555

Jeffrey L. Fillerup (SBN 120543)
LUCÉ, FORWARD, HAMILTON & SCRIPPS LLP
Rincon Center II, 121 Spear Street, Suite 200
San Francisco, California 94105-1582
Telephone: (415) 356-4600
Facsimile: (415) 356-4610
E-mail: jfillerup@luce.com

Attorneys for Defendant MBLOX, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RUSSELL BRADBERRY, individually and on
behalf of a class of similarly situated individuals,

Plaintiff,

vs.

T-MOBILE USA, INC., a Delaware corporation

Defendant.

Case No. C-06-6567 (CW)

**DECLARATION OF CHUNG-HAN LEE IN
SUPPORT OF DEFENDANT MBLOX'S
MOTION FOR JOINDER, OR IN THE
ALTERNATIVE, TO CONSOLIDATE
CASES**

Judge: The Honorable Claudia Wilken

Date: November 29, 2007

Time: 2:00 p.m.

Courtroom: 2, 4th Floor

RUSSELL BRADBERRY, individually and on
behalf of a class of similarly situated individuals,

Plaintiff,

vs.

MBLOX, INC., a Delaware corporation,

Defendant.

Case No. C-07-5298 (PJH)

DECLARATION OF CHUNG-HAN LEE

I, Chung-Han Lee, declare as follows:

1. I am an associate with the law firm of Wildman, Harrold, Allen & Dixon, LLP, attorney for defendant MBLOX, INC. (hereinafter “mBlox”) in the action captioned *Bradberry v. mBlox, Inc.*, C-07-5298 (PJH) (“*Bradberry II*”). I am a member of this Court, and I am duly licensed to practice law in the State of California. I submit this Declaration in support of Defendant mBlox’s Motion for Joinder, or in the Alternative, to Consolidate Cases. I have personal knowledge of the facts set forth below, and if called as a witness, I could and would competently testify to the matters set forth in this Declaration.

2. Plaintiff Bradberry filed the *Bradberry II* action in the Superior Court of the State of California for the County of Santa Clara. A true and correct copy of the complaint filed in state court is attached hereto as Exhibit A.

3. On October 17, 2007, Defendant mBlox timely removed the above-captioned action to this Court pursuant to 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453. The removed case was assigned to the Honorable Phyllis J. Hamilton and was captioned *Bradberry v. mBlox, Inc.*, C-07-5298 (PJH) (“*Bradberry II*”). A true and correct copy of the Notice of Removal (without exhibits) is attached hereto as Exhibit B.

4. Already pending before this Court at the time of the removal of the *Bradberry v. mBlox* was Plaintiff Bradberry’s similar action against T-Mobile entitled *Bradberry v. T-Mobile USA, Inc.*, C-06-6567 (CW) (“*Bradberry I*”). *Bradberry I* was filed in this Court on October 20, 2006, and an amended complaint was filed on February 23, 2007. A copy of the original *Bradberry I* complaint is attached as Exhibit C to the Declaration of Chung-Han Lee.

I declare under the laws of the United States of America and the State of California that the foregoing is true and correct to the best of my knowledge and belief. Executed this 22nd day of October, 2007 at Chicago, Illinois.

/s/ Chung-Han Lee

CHUNG-HAN LEE